



HOOVER & KENNEDY IN 1961.
Don't tangle with St. George.

THE ADMINISTRATION

Battle of the Bugs

An unwritten rule of American politics is: Never tangle with J. Edgar Hoover, the bulldog-tough cop who has run the FBI since 1924. As if he did not have enough trouble on his hands last week, Bobby Kennedy broke the rule. Predictably, he came off second-best. The question was whether the junior Senator from New York had approved, while U.S. Attorney General, a practice that is of increasing national concern: the bugging of private domains and conversations.

The origins of the argument lay in a long-smoldering, long-unpublicized feud between two strong-willed men, dating back to the very first days of the New Frontier. Hoover could hardly have welcomed the appointment of a President's brother as his nominal boss, and trouble inevitably developed. Bobby angered Hoover by pressuring him to hire more Negro agents. Hoover also resented a proposal by Bobby to create a national crime commission to fight rackets. After John Kennedy's assassination, the relationship ended abruptly. A longtime close friend of Lyndon Johnson, Hoover conducted FBI business with Bobby through intermediaries during the remaining nine months that Kennedy was Attorney General.

Plants Aplenty. Thus the atmosphere was readymade for a public blowup when Solicitor General Thurgood Marshall admitted this year that the FBI had bugged the Washington hotel suite of Fred B. Black, an associate of ex-Senate Aide Bobby Baker, in 1963. Since evidence from such an invasion of privacy is inadmissible in a trial, the U.S. Supreme Court threw out Black's conviction for income tax evasion.

Despite its inadmissibility, bugging is consistently used by the FBI and other

police agencies to gather data on suspects. The specific issue between Hoover and Kennedy was whether such snooping was done *sub rosa* or was formally okayed by Kennedy. According to Marshall, the Black bugging was approved by Hoover without Kennedy's knowledge. But Hoover charged that Kennedy was not only "briefed frequently regarding such matters," but "exhibited great interest in pursuing" them, "and, while in different areas, not only listened to the results of microphone surveillances, but raised questions relative to obtaining better equipment."

Bobby retorted that "there is no indication that Mr. Hoover ever asked me for authorization for any single bugging device," charged that "apparently Mr. Hoover has been misinformed." Though he admitted that he had listened to taped playbacks, Kennedy contended that he thought the bugging had been done by various police departments. Adding to the crossfire, William C. Hundley, onetime head of Justice's organized-crime section, declared that he had suspected "as early as 1959 that they were using bugs in racket cases," and later confirmed it. While he was visiting Senator Kennedy's office this year, Hundley related, "Bob said to me, 'Say, did you know that the FBI had been using bugs?' and I said, 'Sure I knew,' and he said: 'Well, why the devil didn't you tell me?' and I explained to him that I assumed he knew all along."

No Escape. Whatever the truth, the uproar touched off new demands for legislation to control bugging, which is not specifically covered by any federal statute (unlike wire-tapping). Last week Democratic Senator Edward Long of Missouri, who as chairman of a subcommittee dealing with eavesdropping has become an "electronic entomologist" (as the specialty is now known), announced that he would propose hearings on the controversy. Vacationing at week's end in Miami, Hoover would say no more. Though the FBI boss will be 72 on New Year's Day, L.B.J. is expected to extend an executive order suspending his retirement.

As for Bobby Kennedy, he could hardly escape looking bad. If he had indeed known of the bugging, he permitted his own orders to be violated; if he had not, he was guilty of not knowing what was going on in his own department. Ruefully, Bobby conceded that a brawl with Hoover is "like having a fight with St. George."